

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Steven M. RUBEN

Appl. No.: 10/662,429

Filed: September 16, 2003

For: **Apoptosis Inducing Molecule I**

Confirmation No.: 2663

Art Unit: 1644

Examiner: HUYNH, PHUONG N.

Atty. Docket: 1488.1890003/EJH/SAC

**Declaration of Marc Langer  
Ruben Exhibit #139**

CONFIDENTIAL

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**Ruben Exhibit #139**

10/16/03

From:

07/15/2004 17:28 #451 P.001/003

Paper No. \_\_\_\_\_

Filed on Behalf of Party Ruben:

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**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**  
(Administrative Patent Judge Sally Gardner Lane)

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**STEVEN M. RUBEN**

Junior Party,  
(Application No. 08/816,981),

v.

**STEVEN R. WILEY  
and RAYMOND G. GOODWIN**

Senior Party,  
(Patent No. 5,763,223).

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Patent Interference No. 105,077

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**DECLARATION OF MARC LANGER**

Ruben EXHIBIT 2139  
Ruben v. Wiley et al.  
Interference No. 105,077  
RX 2139

NYJD: 1533033

EX 7/15/02 1043

Interference No. 105,077  
Ruben v. Wiley *et al.*

DECLARATION OF MARC LANGER

I, Marc Langer, declare and state as follows:

1. I am the President of First Federal Corporation ("First Federal"), which provides offsite data storage services to clients.

2. From a date prior to 1994 and continuing to the present date, First Federal's regular course of business has involved the storage of magnetic tapes provided by clients. During this time period, it has been and remains First Federal's normal business practice to store the client's magnetic tapes under industry-standard environmental conditions, within a secure facility that is not accessible to the public. While in the possession of First Federal, the client's magnetic tapes are not copied, altered, or modified in any way.

3. I have reviewed First Federal's internal records maintained in connection with our client Human Genome Sciences ("HGS"). Based upon that review, I conclude that HGS regularly provided magnetic tapes to First Federal Corporation, from a date prior to 1994 through the present, for preservation according to the normal business practices of First Federal as outlined in ¶ 2 above. After reviewing RE133-137, I conclude that, from time to time, HGS had authorized First Federal to deliver magnetic tapes to MicroAge, Inc. for copying, during the year 1999.

*a 7/15/04 2053*

From:

07/15/2004 17:29 #451 P.003/003

Interference No. 105,077  
Ruben v. Wiley *et al.*

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-captioned application or any patent issuing thereon.

Date

7/15/04

Marc Langer

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on 7/15/04 set p